

Bills Nos. 35 and 37; House Concurrent Resolutions Nos. 7, 12, 13 and 14; and Senate Bill No. 7.

The Committee on Municipal and Private Corporations filed a favorable report on House Bill No. 38.

NINTH DAY

(Friday, October 9, 1936.)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Fisher
Adamson	Ford
Adkins	Fox
Aikin	Frazer
Alexander	Fuchs
Alsup	Gibson
Ash	Glass
Atchison	Good
Bergman	Graves
Bourne	Gray
Bradbury	Greathouse
Bradford	Hankamer
Bridgers	Hanna
Broadfoot	Hardin
Broyles	Harper
Burton	Harris of Archer
Butler of Brazos	Harris of Dallas
Butler of Karnes	Hartzog
Cagle	Head
Caldwell	Herzik
Calvert	Hill
Canon	Hodges
Celaya	Hofheinz
Collins	Holland
Colquitt	Hoskins
Colson	Howard
Cooper	Huddleston
Cowley	Hunt
Craddock	Hunter
Crossley	Jackson
Daniel	James
Davis	Jefferson
Davison of Fisher	Jones of Atascosa
Davisson	Jones of Falls
of Eastland	Jones of Shelby
Dickison	Jones of Wise
Dunagan	Keefe
Dunlap of Hays	King
Dunlap of Kleberg	Knetsch
Duvall	Lange
Dwyer	Lanning
England	Latham
Fain	Leath
Farmer	Lemens

Lindsey	Roane
Lotief	Roark
Lucas	Roberts
Luker	Russell
Mauritz	Rutta
McCalla	Scarborough
McConnell	Sessions
McFarland	Shofner
Moffett	Smith
Morris	Spears
Morrison	Steward
Morse	Stinson
Newton	Stovall
Nicholson	Tarwater
Olsen	Tennyson
Palmer	Thornton
Patterson	Tillery
Payne	Venable
Petsch	Waggoner
Pope	Walker
Quinn	Wells
Reader	Westfall
Reed of Bowie	Wood of Harrison
Reed of Dallas	Wood of Montague
Riddle	Worley
Roach of Angelina	Young
Roach of Huht	Youngblood

Absent—Excused

Hyder	Padgett
Leonard	Rogers
McKee	Settle
McKinney	Stanfield
Moore	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"Almighty God, Thou who dost view alike the sparrow's fall and the rise and fall of nations, in Thy abundant mercy Thou hast so richly endowed us that the administration of Thou bounties is just now our chief problem. Leave us not to our own ways, but lead us by Thy Spirit. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence, on account of important business:

Mr. Stanfield for today, on motion of Mr. England.

Mr. Hyder for today, on motion of Mr. Frazer.

Mrs. Moore for today, on motion of Mr. Thornton.

The following Members were granted leaves of absence, on account of illness:

Mr. Padgett for today, on motion of Mr. Ford.

Mr. McKinney for today, on motion of Mr. Roberts.

Mr. Rogers for today, on motion of Mr. Tillery.

Mr. Settle for today, on motion of Mr. Hartzog.

Mr. McKee for today, on motion of Mr. Hoskins.

Mr. Leonard for today, on account of a death in his family, on motion of Mr. Glass.

HOUSE BILL ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Broyles:

H. B. No. 42, A bill to be entitled "An Act to regulate the sale of unsurveyed lands set apart for the benefit of the Public Free School Fund in the Counties of Van Zandt, Webb, Tom Green, Henderson, Grimes, and Uvalde; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

INSTRUCTIONS TO COMMITTEE ON REVENUE AND TAXATION

Mr. Worley moved that the Committee on Revenue and Taxation be instructed to report House Bill No. 18, to the House not later than 11:00 o'clock a. m., today.

The motion prevailed.

Mr. Quinn moved that the Committee on Revenue and Taxation be instructed to report House Bill No. 32, to the House not later than 10:00 o'clock a. m., next Monday.

The motion prevailed.

BILL RE-REFERRED

Mr. Broyles moved that House Bill No. 17 be withdrawn from the Committee on Revenue and Taxation, and referred to the Committee on Commerce and Manufacturers.

Mr. Keefe moved to table the motion of Mr. Broyles.

The motion to table was lost.

Question recurring on the motion by Mr. Broyles, it prevailed.

AUTHORIZING USE OF CERTAIN STATE HIGHWAY EQUIPMENT

Mr. Frazer offered the following resolution:

H. C. R. No. 15, Authorizing use of certain State Highway equipment.

Whereas, State Highway No. 43 passes on the west side of the public square of the City of Calvert; and

Whereas, The citizens of Calvert are desirous of paving streets around such public square and is too small for the parties interested to let said paving by private contract; and

Whereas, The State Highway Department has paving equipment now located in Robertson County; and

Whereas, The law does not permit the State Highway Department to loan its equipment to any citizen or group of citizens for the purpose of doing pavement work; and

Whereas, It is believed to be advantageous to the people of Robertson County and to the State at large that the streets around said square be paved; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the State Highway Department be, and it is hereby authorized to loan to the City of Calvert and the County of Robertson any of said Department's paving equipment with which to pave streets around and near the public square in the City of Calvert on the condition that the City of Calvert and the County of Robertson pay all expenses and charges incurred and incident to the paving of the streets aforesaid, and that the State Highway Department in no event is to be liable for any expenses or damages that may be suffered by anyone to the performance of said paving work, and that the City of Calvert and the County of Robertson shall return to the State Highway Department said paving equipment immediately upon the completion of said work, in as good condition as when the said equipment was loaned to the said City of Calvert and County of Robertson.

The resolution was read second time, and was adopted.

RELATIVE TO REVENUES FOR OLD AGE ASSISTANCE

Mr. Fain offered the following resolution:

Whereas, The people of Texas voted to change the Constitution of Texas by adopting a new Section to be known as Section 51-B, authorizing the Legislature, under certain limitations, to provide for Old Age Assistance; and

Whereas, House Bill No. 26, as passed by the Second Called Session of the Forty-fourth Legislature providing for Old Age Assistance to certain bona fide citizens of Texas over the age of 65 years, was only partially financed by revenues derived from taxes on liquors, wines, and beer; and

Whereas, This Legislature has been called into extraordinary session to provide further necessary revenue for Old Age Assistance to persons entitled to same under the provisions of said House Bill No. 26, which said bill has been approved by the Federal Social Security Board; now, therefore, be it

Resolved, That it is the sense of the House of Representatives that House Bill No. 26 be not further deliberalized or restricted, but that sufficient revenues be immediately raised to fully finance Old Age Assistance in Texas.

FAIN,
DAVISON of Fisher,
BRADBURY.

The resolution was read second time.

Mr. Daniel raised a point of order, on further consideration of the resolution, at this time, on the ground that the time for the special order has arrived.

The Speaker sustained the point of order.

Mr. Fain moved that the Rule, which displaces the resolution, at this time, be suspended for the purpose of considering the above resolution.

The motion was lost.

STANDING COMMITTEE EXCUSED

Mr. Broyles asked unanimous consent of the House that the Committee on Commerce and Manufacturers be excused at this time for the purpose of considering House Bill No. 17.

There was objection offered.

Mr. Broyles then moved that the Committee on Commerce and Manufacturers be excused at this time

for the purpose of considering House Bill No. 17.

The motion prevailed.

HOUSE BILL NO 3 ON SECOND READING

The Speaker laid before the House, (as special order at this time) on its second reading and passage to engrossment,

H. B. No. 3, A bill to be entitled "An Act amending Section 2, Acts 1933, Regular Session of Forty-third Legislature, page 409, Chapter 162, House Bill No. 154, as amended by Acts of 1933, Forty-third Legislature, First Called Session, page 43, Chapter 12; increasing the tax on oil; allocating the revenue to the Public School Fund, and for the payment of Old Age Pensions; prescribing a savings clause, and declaring an emergency."

The bill was read second time.

Mr. Bradbury offered the following committee amendment to the bill:

Amend House Bill No. 3, by striking out the words and figures 10c and ten (10) per cent wherever they occur and insert in lieu thereof 2 3/4 cents.

Mr. Stovall offered the following substitute amendment for the committee amendment:

Substitute Committee Amendment No. 1 to House Bill No. 3. Strike out the words and figures ten (10c) cents or ten (10%) per cent wherever they occur in the bill, and insert in lieu thereof six (6c) cents and six (6%) per cent.

STOVALL,
READER,
VENABLE,
REED of Bowie.

Question—Shall the substitute amendment be adopted?

MESSAGE FROM THE SENATE

Austin, Texas, October 9, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted the following:

H. C. R. No. 4, Granting John Mulkey permission to sue the State.

H. C. R. No. 15, Relative to lending certain Highway equipment to certain counties.

Respectfully,

BOB BARKER,
Secretary of the Senate.

ADJOURNMENT

On motion of Mr. Riddle, the House at 12:00 o'clock m., adjourned until 10:00 o'clock a. m., next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills and resolutions as follows:

Agriculture: Senate Concurrent Resolution No. 7.

Commerce and Manufacturers: House Bill No. 17.

Revenue and Taxation: House Bills Nos. 18 and 32.

In Memory of Hon. Robert W. Gray

Mr. Luker offered the following resolution:

Whereas, On the 14th day of January, 1936, the Great Ruler of the universe called from the walks of men the Honorable Robert W. Gray; and

Whereas, Mr. Gray served his district and the State of Texas with distinction as a Member of the House of Representatives of the Texas Legislature; and

Whereas, He was distinguished in civic and business affairs and was of great service to his community and his State; therefore, be it

Resolved, That the Members of the Forty-fourth Legislature express their regrets of the passing of this splendid citizen; and, be it further

Resolved, That a copy of this resolution be spread on the Journal of the day in memory of the deceased; and, be it further

Resolved, That the Chief Clerk of the House of Representatives be instructed to send the family of the deceased a copy of this resolution under the seal of the Chief Clerk of the House of Representatives.

The resolution was read second time.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Bergman, Bourne, Bradbury, Bradford, Bridgers, Broadfoot, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Kleberg, Dunlap of Hays, Duvall, Dwyer, England, Fain, Farmer, Fisher, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harper, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Wise, Jones of Shelby, Jones of Falls, Jones of Atascosa, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Mof-fett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Hunt, Roach of Angelina, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Montague, Wood of Harrison, Worley, Young and Youngblood.

On the motion of Mr. Fisher, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.